

## **REMARKS**

### **I. ELECTIONS, WITH TRAVERSE**

The Office imposed an initial, two-way restriction requirement under PCT Rule 13.1 between the following identified groups of claims:

Group I—claims 1-35, directed to a marine survey apparatus; and

Group II—claims 36-69, drawn to a method for use in marine seismic surveying using inertial measurements.

In response to the restriction requirement, Applicants elect, with traverse, to prosecute the claims of Group II—*i.e.*, claims 36-69.

The Office then imposed two further elections among species upon election of either Group I or Group II. Each species election was then followed by an election requirement among subspecies.

In the first species election, the Office identified the species as:

- a) wherein the survey object is a seismic cable only;
- b) wherein the survey object is a seismic receiver only;
- c) wherein the survey object is a steering device only; and
- d) wherein the survey object is a seismic source only.

In response to the election requirement, Applicants elect, with traverse, to prosecute species a). Applicants respectfully submit that there are no Group II claims within species a), although claims 46, 56, and 68 each recite a seismic cable.

The Office then also imposed a further election requirement among subspecies contingent upon the election of one of species a) – d). Because Applicants elected species a), Applicants' further election is among the following subspecies:

- aA) wherein the seismic cable is a streamer only; and
- aB) wherein the seismic cable is an ocean bottom cable only.

In response to the election requirement, Applicants elect, with traverse, to prosecute subspecies aB). Applicants respectfully submit that there are no Group II claims within subspecies aB), although claims 41, 50, and 63 recite deploying a seismic cable to the bottom.

In the second election requirement among species, the Office identified the species as:

- A) wherein taking inertial measurements occurs during spread deployment only;
- B) wherein taking inertial measurements occurs during spread retrieval only;
- C) wherein taking inertial measurements occurs during the survey only; and
- D) wherein taking inertial measurements occurs during deployment, retrieval, and survey.

In response to the election requirement, Applicants elect, with traverse, to prosecute subspecies A). Applicants respectfully submit that there are no Group II claims within species a), although claims 37 and 48-58, all recite taking inertial measurements during spread deployment.

The Office also imposed a further election requirement among subspecies upon the election of one of species A) – D). The Office identified the subspecies as:

- i) wherein the spread is deployed to the bottom only; and
- ii) wherein the spread is deployed to the surface only.

In response to the election requirement, Applicants elect, with traverse, to prosecute subspecies i). Applicants respectfully submit that there are no Group II claims within subspecies i), although claims 41, 50, and 63 recite deploying a seismic cable to the bottom.

## **II. APPLICANTS TRAVERSE ALL THE RESTRICTION AND ELECTION REQUIREMENTS**

Applicants traverse the restriction requirement in that the independent claims 1, 14, and 25 have been amended to recite some variation of what the Office identifies as the “inventive concept”—namely, “...applying inertial measurements to known points to determine positions of selected points in the seismic survey spread as is required by the method claims.” (Office Action dated November 14, 2008, “Detailed Action”, p. 2) Note that this amendment is not made for purposes of patentability, but solely to generate unity of invention.<sup>1</sup> Note also that the present invention is not limited to this “inventive concept” even though this limitation currently appears in the independent claims. Thus, the claims of both Group I and Group II now exhibit unity of invention and the restriction requirement should be withdrawn.

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<sup>1</sup> The amendments to claims 39, 52, and 61 similarly are not made for purposes of patentability, but rather to delete language to which the Office traditionally objects. These amendments furthermore do not limit the scope of the respective claims.

Applicants traverse the elections requirements on different grounds. Applicants concur that the present Office Action is governed by unity of invention under PCT Rule 13.1 rather than restriction of invention under U.S. practice. PCT Rule 13.1 authorizes restriction/election solely for lack of unity of invention. Election among species is *not* a ground for restriction or election under PCT Rule 13.1 unless there also exists a lack of unity of invention.

The election requirements are all predicated on species and subspecies found in dependent claims. All dependent claims incorporate all the limitations of the claims from which they depend. 35 U.S.C. §112, ¶4. Thus, all dependent claims exhibit unity of invention with their independent claims. And, as is established above, all of the independent claims exhibit unity of invention. Consequently, so do all their dependent claims.

Accordingly, Applicants respectfully submit that the restriction/election requirements are now improvident. The independent Group I claims have been amended to recite some variation of what the Office identifies as the “inventive concept” of the Group II claims. The dependent claims of Group I incorporate this “inventive concept” as a matter of law by virtue of their dependence. All the claims of the application therefore now recite the same “inventive concept”. They consequently also all exhibit “unity of invention” under PCT Rule 13.1 as defined in PCT Rule 13.2. Applicants therefore request that all restriction/election requirements be withdrawn.

### **III. CONCLUSION**

Because Applicants have elected a group, species, or subspecies responsive to each restriction and election requirement, and identified the claims in those elections, this is a complete response. *See* M.P.E.P. §809. The Examiner is invited to contact the undersigned attorney at 713 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.

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By: /Jeffrey A. Pyle/  
Jeffrey A. Pyle, Reg. No. 34,904

10333 Richmond, Suite 1100

Houston, Texas 77042  
(713) 934-7000 ph  
(713) 934-7011 fx

ATTORNEY FOR APPLICANTS